

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**ALMONTIE SHIELDS, et al.,**

**Defendants.**

**Case No. 06-cr-30166-DRH**

**ORDER**

**HERNDON, Chief Judge:**

This matter comes before the Court on two Motions to Continue Trial, one filed by defendant Aaron Molton (Doc. 329), the other by defendant Roosevelt Johnson, III (Doc. 331). Currently, this multi-defendant trial is set for February 25, 2008. Both of these Defendants move for a continuance to allow additional time to attempt to successfully conclude ongoing plea negotiations. The Government has not opposed this request.

Every defendant facing criminal charges has a right to a trial by jury or to plead to those charges. If the Court were to deny a continuance in the light of the ongoing plea negotiations, this could severely impact the outcome of these discussions, thereby resulting in a miscarriage of justice. **See 18 U.S.C. § 3161(h)(8)(B)(i).** Therefore, the Court finds that a continuance is necessary. Pursuant to **18 U.S.C. § 3161(h)(8)(A)**, the Court finds that the ends of justice

served by the granting of such continuance outweigh the best interests of the public and Defendants in a speedy trial. Accordingly, the Court **GRANTS** Defendants' Motions to Continue (Docs. 329 & 331). The Court notes that remaining co-defendants (who have not plead guilty) have not moved for a severance. Thus, a continuance of trial applies to all remaining co-defendants. ***United States v. Baker*, 40 F.3d 154, 159 (7th Cir. 1994)**(“Under § 3161(h)(7), the excludable delay of one defendant may be ascribed to all codefendants in the same case, absent severance.”)(quoting ***United States v. Tanner*, 941 F.2d 574, 580 (7th Cir.1991), cert. denied, 502 U.S. 1102, 112 S. Ct. 1190 (1992)**)).

The Court hereby **CONTINUES** the JURY TRIAL scheduled for February 25, 2008 to **Monday, May 5, 2008 at 9:00 a.m.** The time from the date these two Motions to Continue (Docs. 329 & 331) were filed, February 11, 2008, until the date the trial is rescheduled, May 5, 2008, is excludable time for the purposes of speedy trial.

**IT IS SO ORDERED.**

Signed this 12<sup>th</sup> day of February, 2008.

/s/ David R. Herndon

**Chief Judge**  
**United States District Court**